

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**AMERICAN POSTAL WORKERS UNION,
GADSDEN AREA LOCAL 537**

**Cases 10-CA-124311
10-CA-124317
10-CA-124324
10-CA-124330**

UNITED STATES POSTAL SERVICE

and

**AMERICAN POSTAL WORKERS UNION,
NORTH ALABAMA AREA LOCAL 359**

Case 10-CA-125481

DECISION AND ORDER

Statement of the Cases

On August 5, 2014,¹ the United States Postal Service (the Respondent), American Postal Workers Union, Gadsden Area Local 537 (Local 537) and American Postal Workers Union, North Alabama Local 359 (Local 359), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

¹ On Sept. 30, 2014, the parties reached unanimous agreement to amend the Notice to Employees. Those amendments are incorporated in the appended Notice.

² Chairman Pearce and Member Hirozawa note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g.,

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent is and has been at all times material herein, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States in the performance of its basic function to provide postal services to the Nation, including its facilities in Gadsden, Alabama and Huntsville, Alabama, the facilities involved in this settlement and the underlying proceedings.

The Respondent is now and has been at all material times an entity subject to the Board's jurisdiction by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. Labor organization involved

At all material times, Local 537 and Local 359 have been labor organizations within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that

The Respondent, United States Postal Service, Gadsden, Alabama and Huntsville, Alabama, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively and in good faith with American Postal Workers Union, Gadsden Area Local 537 (Local 537) and American Postal Workers Union, North Alabama Area Local 359 (Local 359), by unduly delaying in furnishing information to Local 537 and Local 359 that is relevant and necessary to the performance of their duties as agents of the American Postal Workers Union (National Union), the exclusive bargaining representative of the bargaining unit employees in the following nationwide unit at its Gadsden and Huntsville, Alabama facilities, respectively:

United States Postal Service, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-275, 1201(2), all postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers or letter carriers.

(b) In any other like or related manner interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the purposes of the Act.

(a) Upon request, provide Local 537 and Local 359 with necessary and relevant information in a timely and appropriate manner.

(b) Each information request tendered by Local 537, orally or in writing, shall be recorded in a log at the Respondent's Gadsden, Alabama facility. Each information request tendered by Local 359, orally or in writing, shall be recorded in a log at the Respondent's Huntsville, Alabama facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Local with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Local in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor who is designated to receive union requests for information at the Respondent's Gadsden, Alabama and Huntsville, Alabama facilities will receive annual training which encompasses how to maintain the log and how to tender the relevant information requested by the Local; each such supervisor and manager will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgment form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the log, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of said supervisor or manager.

(d) Union stewards at the Respondent's Gadsden, Alabama and Huntsville, Alabama facilities must be notified when the manager or supervisor who is designated to receive Union requests for information at their particular facility has changed.

(e) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs at the Respondent's Gadsden, Alabama and Huntsville, Alabama facilities to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure that the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(f) Within 14 days of service by the Region, post at all of its facilities located in the State of Alabama copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed either of the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facility at any time since January 24, 2014.

(g) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to the dates that the notices were received at each facility, and the dates that the notices were posted.

Dated, Washington, D.C., January 12, 2015.

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Kent Y. Hirozawa, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose a representative to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT unduly delay furnishing information requested by American Postal Workers Union, Gadsden Area Local 537 and American Postal Workers Union, North Alabama Area Local 359 that is necessary for and relevant to the performance of their duties as the exclusive collective-bargaining representative of the following appropriate bargaining unit at our Gadsden, Alabama and Huntsville, Alabama facilities, respectively:

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees, operating services and facilities services employees, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-275, 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers or letter carriers.

WE WILL NOT in any other like or related manner interfere with your rights under Section 7 of the Act.

WE WILL, upon request, provide Local 537 and Local 359 with necessary and relevant information in a timely and appropriate manner.

WE WILL record each information request tendered by Local 537 at our Gadsden, Alabama facility and by Local 359 at our Huntsville, Alabama facility, in a log at the facility where the information request was made. If our manager or supervisor, having reviewed the documents requested, believes that we will need additional time, the manager or supervisor will inform the requesting Local in writing, requesting additional time and explaining the need for the additional time.

WE WILL conduct annual training with each manager or supervisor designated to receive union requests for information at our Gadsden, Alabama and Huntsville, Alabama facilities, on how to maintain the logs and how to tender the relevant requested information.

WE WILL notify union stewards when the manager or supervisor designated to receive union requests for information at their particular facility has changed.

WE WILL conduct, through our legal department or labor relations department, semi-annual audits of the logs at the Gadsden, Alabama and Huntsville, Alabama facilities, to insure that the information requested by Locals 537 and 359 is being handled in a timely and appropriate manner, and that the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager for human resources.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/10-CA-124311 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

